

811 KAR 1:010. Associations.

RELATES TO: KRS 230.215, 230.260(1)

STATUTORY AUTHORITY: KRS 230.215(2), 230.630(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(3) authorize the Authority to regulate horse racing in Kentucky. This administrative regulation establishes requirements for the operation of harness racing associations.

Section 1. During the course of its race meetings, a licensed harness racing association shall display in the racing association's office the license issued by the Authority for the current year.

Section 2. Default in Payment of Purses. An association shall not default in the payment of a purse that has been offered in a race.

Section 3. Time to File Claims for Unpaid Purses. Unless a claim for an unpaid purse is filed with or appealed to the Authority within twelve (12) months after the date the race is contested, the Authority may release any performance bond it holds related to the purse.

Section 4. If at a meeting of a licensed association, a race is contested which has been promoted by another party, and the promoters default in the payment of the amount raced for, the same liability shall attach to the licensed association as if the race had been offered by the licensed association.

Section 5. Minimum Advertised Purse or Schedule of Purses. If an association advertises a minimum purse and conducts a race for less than the advertised minimum, the association shall be fined the difference between the advertised minimum and the lesser purse for which such race was conducted, and the proceeds may be distributed among the money winning horses in proportion to their respective winnings.

Section 6. Removal of a Horse from the Grounds. A horse shall not be ordered off the grounds unless a minimum of twenty-four (24) hours notice (excluding Sunday) is provided to the person in charge of the horse. A person shall not fail to remove a horse after proper notice.

Section 7. Driver Awards. An association shall not advertise to pay or pay any award other than to an owner, nominator, or breeder of a money-winning horse, except that an may be made to a driver of a horse breaking or equaling an association or world record, or to a leading driver at a meeting.

Section 8. Paddock Rules. (1) An association conducting an extended pari-mutuel meeting shall Provide a paddock or receiving barn.

(2) The paddock or receiving barn shall be completely enclosed with a man-tight fence and each opening through the fence shall be policed by a person licensed by the Authority who shall exclude unauthorized personnel. A daily record of all persons entering or leaving the paddock from one (1) hour prior to the first post time until all races on that program have been completed shall be maintained on a form provided by the association and approved by the Authority.

(3) A horse shall be in the paddock at the time prescribed by the presiding judge, but in any event at least one (1) hour prior to post time of the race in which the horse is to compete. Except for a warm up trip, a horse shall not leave the paddock until called to the post.

(4) A person entitled to admission to the paddock shall be at least sixteen (16) years old and

shall include:

- (a) An owner of a horse competing on the date of the race;
 - (b) A trainer of a horse competing on the date of the race;
 - (c) A driver of a horse competing on the date of the race;
 - (d) A groom and caretaker of a horse competing on the date of the race;
 - (e) An official whose duties require the presence of that person in the paddock or receiving barn;
 - (f) An official of the Authority;.
 - (g) The designated representative of the horseman; and
 - (h) A person approved by the presiding judge.
- (5) Unless permission is granted by the judges, a driver, trainer, groom, or caretaker, once admitted to the paddock or receiving barn, shall not leave the paddock or receiving barn, other than to warm up a horse, until the race or races for which the horse was admitted is contested.
- (6) All persons, except drivers in the driver's stand, shall leave the paddock as soon as that person's duties are completed for the race or races for which that person was admitted.
- (7) A member of a registered stable, other than the driver, shall be entitled to admission to the paddock on any day a horse owned by that stable is racing.
- (8) During racing hours, an association shall provide the services of a farrier within the paddock.
- (9) During racing hours an association shall promptly provide suitable extra equipment as may be necessary.

Section 9. Photo Finish, Film Patrol, Head Numbers, Starting Gate. (1) At an association where pari-mutuel wagering is allowed, a photo finish, film patrol, head numbers, saddle pads, and starting gate shall be used.

(2) At an extended pari-mutuel meeting, the association shall provide for a back-up starting gate.

(3) If the judges use a photo to determine the order of finish, the photo shall be posted for public inspection.

(4) Photo finish equipment shall include a stationary camera, mounted above the finish wire and perpendicular to the race track, along with a spinner or stationary target.

(5) A camera utilizing a shutter between the film and the race track during the actual finish of a race, or which has a field view greater than twelve (12) inches at the finish line, shall not be utilized. The presiding judge shall verify that the photo finish equipment is in working order prior to each racing program.

Section 10. Driver Insurance. An association shall prepare and prominently display, in the race secretary's office, a statement containing the name of the company providing driver insurance coverage.

Section 11. (1)(a) An association at an extended pari-mutuel meeting shall be equipped with a scientifically-reliable breath, blood, or urine alcohol testing device approved by the Authority and operated by a person certified to use such a device. A licensee may be required to submit to a breath analyzer test at the discretion of the presiding judge or his assistant, based on the presiding judge's reasonable suspicion that the person might have an impermissible amount of alcohol or illegal substances in his system.

(b) A person shall not be permitted to drive:

1. If a breath, blood, or urine alcohol testing device reveals at the time of the person's entry into the paddock a reading of 0.05% or more of alcohol or any trace of illegal controlled substance ei-

ther in the breath, blood, or urine of that individual; or

2. If, in the opinion of the presiding judge, a person is impaired to the point the person's driving skills or judgement may be affected.

(c) At the time of entry into the paddock; if a breath, blood, or urine alcohol testing device given to a person who is scheduled to drive reveals the presence of 0.05% or more of alcohol or any trace of an illegal controlled substance, the presiding judge shall charge the driver with a violation pursuant to Section 15(1) of this administrative regulation.

(2) A person shall not be permitted to act as a judge, starter, or marshal if a breath, blood, or urine alcohol testing device reveals a presence of 0.05% of alcohol or any trace of illegal controlled substance in the blood, urine, or breath of that individual at any time on a race day during which that person is scheduled to officiate. If alcohol or illegal substances are found to be present, that individual shall be immediately relieved of duties for that program and a report shall be made prior to the next racing day to the Authority for appropriate action. The individual shall be charged with a violation pursuant to Section 15(1) of this administrative regulation.

(3) In any meeting other than an extended pari-mutuel meeting, a driver, judge, starter, driver of the starting gate, and marshall shall submit to a breath, blood, or urine alcohol test if requested by the presiding judge. The result of the test shall be governed by subsection (2) of this section, and the individual shall be charged with a violation pursuant to Section 15(1) of this administrative regulation if the impermissible amount of alcohol or illegal substances are found to be present.

Section 12. A saddle pad in use at an association conducting an extended pari-mutuel meeting shall be standardized consistent with a format to be established by the United States Trotting Association.

Section 13. Horse Ambulance. During an extended pari-mutuel race meeting, an association shall provide a properly equipped and properly manned horse ambulance for the removal of injured or dead animals from the track. The horse ambulance shall be present on the grounds at any programmed race, time trial, or qualifying race under the jurisdiction of the Authority. A horse ambulance shall be equipped with a screen for use if it is necessary to destroy an animal in view of the general public, and with a winch to lift dead or injured animals onto the ambulance. It shall be the responsibility of the Authority to ensure that proper supplies of alcohol, water, euthanasia medication, and horse leg splints are aboard the ambulance.

Section 14. Emergency Medical and Ambulatory Services for Persons. (1) At an association where any programmed race, time trial, or qualifying race under the jurisdiction of the Authority, takes place it shall be the responsibility of the association to:

(a) Provide a licensed paramedic, emergency medical technician, or the equivalent; and

(b) Maintain in good operating order an ambulance or other suitable transportation, capable of transporting injured parties to an appropriate medical facility, available and stationed at an entrance to the racing surface allowing for visual contact with the race in progress.

(2) The medical personnel present shall make a prompt response if one (1) or more drivers or horses are involved in an accident or there is a need for emergency transportation.

(3) The ambulance shall be stationed at every programmed race, time trial, and qualifying race under the jurisdiction of the Authority.

(4) The emergency medical personnel and the ambulance shall be on the premises during the period beginning one (1) hour prior to post time for the first race on the program, or first qualifying race, through the conclusion of the racing program. If the ambulance must leave its station for any reason, a replacement ambulance shall be present on the association grounds before the next race is run.

Section 15. Penalties. (1) A person or association that violates Sections 1 through 13 of this administrative regulation shall have committed a Category 1 violation and shall be subject to the penalties set forth in 811 KAR 1:095, Section 4(1).

(2) A person or association that violates Section 14 of this administrative regulation shall have committed a Category 2 violation and shall be subject to the penalties set forth in 811 KAR 1:095, Section 4(2). (KTC 1-8 (Rule 5); 1 Ky.R. 1098; eff. 6-11-75; 33 Ky.R. 911; 1805; eff. 2-2-2007.)